

By: Springer

H.B. No. 1956

A BILL TO BE ENTITLED

AN ACT

relating to the operation of certain off-highway vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter F, Chapter 551, Transportation Code, is amended to read as follows:

SUBCHAPTER F. GOLF CARTS [~~AND UTILITY VEHICLES~~]

SECTION 2. Sections 551.404(a-1) and (b), Transportation Code, are amended to read as follows:

(a-1) In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (a-2) may allow an operator to operate a golf cart [~~or utility vehicle~~] on all or part of a public highway that:

(1) is located in the unincorporated area of the county; and

(2) has a speed limit of not more than 35 miles per hour.

(b) A golf cart [~~or utility vehicle~~] operated under this section must have the following equipment:

(1) headlamps;

(2) taillamps;

(3) reflectors;

(4) parking brake; and

(5) mirrors.

SECTION 3. Section 663.001(3), Transportation Code, is

1 redesignated as Section 663.001(1-b), Transportation Code, and
2 amended to read as follows:

3 (1-b) [(3)] "Off-highway [Recreational off-highway]
4 vehicle" means:

5 (A) an all-terrain vehicle or recreational
6 off-highway vehicle, as those terms are defined [has the meaning
7 assigned] by Section 502.001; or

8 (B) a utility vehicle.

9 SECTION 4. Section 663.001, Transportation Code, is amended
10 by adding Subdivision (4) to read as follows:

11 (4) "Utility vehicle" means a motor vehicle that is
12 not a golf cart, as defined by Section 502.001, or lawn mower and
13 is:

14 (A) equipped with side-by-side seating for the
15 use of the operator and a passenger;

16 (B) designed to propel itself with at least four
17 tires in contact with the ground;

18 (C) designed by the manufacturer for off-highway
19 use only; and

20 (D) designed by the manufacturer primarily for
21 utility work and not for recreational purposes.

22 SECTION 5. Section 663.002, Transportation Code, is amended
23 to read as follows:

24 Sec. 663.002. NONAPPLICABILITY OF CERTAIN OTHER LAWS. (a)
25 Except as provided by Sections 663.037 and 663.0371, Chapter 521
26 does not apply to the operation or ownership of an off-highway
27 [all-terrain] vehicle registered for off-highway operation.

1 (b) Chapter 1001, Education Code [~~332, Acts of the 60th~~
2 ~~Legislature, Regular Session, 1967 (Article 4413(29c), Vernon's~~
3 ~~Texas Civil Statutes)~~], does not apply to instruction in the
4 operation of an off-highway [~~all-terrain~~] vehicle provided under
5 the operator education and certification program established by
6 this chapter.

7 SECTION 6. The heading to Subchapter B, Chapter 663,
8 Transportation Code, is amended to read as follows:

9 SUBCHAPTER B. OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLE OPERATOR
10 EDUCATION AND CERTIFICATION

11 SECTION 7. Section 663.011, Transportation Code, is amended
12 to read as follows:

13 Sec. 663.011. DESIGNATED DIVISION OR STATE AGENCY. The
14 governor shall designate a division of the governor's office or a
15 state agency to establish and administer an off-highway
16 [~~all-terrain~~] vehicle operator education and certification
17 program.

18 SECTION 8. Section 663.012, Transportation Code, is amended
19 to read as follows:

20 Sec. 663.012. PURPOSE OF PROGRAM. The purpose of the
21 off-highway [~~all-terrain~~] vehicle operator education and
22 certification program is to make available courses in basic
23 training and safety skills relating to the operation of off-highway
24 [~~all-terrain~~] vehicles and to issue safety certificates to
25 operators who successfully complete the educational program
26 requirements or pass a test established under the program.

27 SECTION 9. Section 663.013, Transportation Code, is amended

1 to read as follows:

2 Sec. 663.013. OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLE SAFETY
3 COORDINATOR. (a) The designated division or state agency shall
4 employ an off-highway [~~all-terrain~~] vehicle safety coordinator.

5 (b) The coordinator shall supervise the off-highway
6 [~~all-terrain~~] vehicle operator education and certification program
7 and shall determine:

- 8 (1) locations at which courses will be offered;
- 9 (2) fees for the courses;
- 10 (3) qualifications of instructors;
- 11 (4) course curriculum; and
- 12 (5) standards for operator safety certification.

13 (c) In establishing standards for instructors, curriculum,
14 and operator certification, the coordinator shall consult and be
15 guided by standards established by recognized off-highway
16 [~~all-terrain~~] vehicle safety organizations.

17 SECTION 10. Section 663.014, Transportation Code, is
18 amended to read as follows:

19 Sec. 663.014. CONTRACTS. To administer the education
20 program and certify off-highway [~~all-terrain~~] vehicle operators,
21 the designated division or state agency may contract with nonprofit
22 safety organizations, nonprofit educational organizations, or
23 agencies of local governments.

24 SECTION 11. Section 663.015, Transportation Code, is
25 amended to read as follows:

26 Sec. 663.015. TEACHING AND TESTING METHODS. (a) If the
27 off-highway [~~all-terrain~~] vehicle safety coordinator determines

1 that vehicle operation is not feasible in a program component or at
2 a particular program location, the operator education and
3 certification program for persons who are at least 14 years of age
4 may use teaching or testing methods that do not involve the actual
5 operation of an off-highway [~~all-terrain~~] vehicle.

6 (b) An operator safety certificate may not be issued to a
7 person younger than 14 years of age unless the person has
8 successfully completed a training course that involves the actual
9 operation of an off-highway [~~all-terrain~~] vehicle.

10 SECTION 12. Section 663.016, Transportation Code, is
11 amended to read as follows:

12 Sec. 663.016. FEE FOR COURSE. A person may charge, for a
13 course under the off-highway [~~all-terrain~~] vehicle operator
14 education and certification program, a fee that is reasonably
15 related to the costs of administering the course.

16 SECTION 13. The heading to Subchapter C, Chapter 663,
17 Transportation Code, is amended to read as follows:

18 SUBCHAPTER C. OPERATION OF OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES

19 SECTION 14. Section 663.031, Transportation Code, is
20 amended to read as follows:

21 Sec. 663.031. SAFETY CERTIFICATE REQUIRED. (a) A person
22 may not operate an off-highway [~~all-terrain~~] vehicle on public
23 property or a beach unless the person:

24 (1) holds a safety certificate issued under this
25 chapter or under the authority of another state;

26 (2) is taking a safety training course under the
27 direct supervision of a certified off-highway [~~all-terrain~~]

1 vehicle safety instructor; or

2 (3) is under the direct supervision of an adult who
3 holds a safety certificate issued under this chapter or under the
4 authority of another state.

5 (b) A person to whom a safety certificate required by
6 Subsection (a) has been issued shall:

7 (1) carry the certificate when the person operates an
8 off-highway [~~all-terrain~~] vehicle on public property or a beach;
9 and

10 (2) display the certificate at the request of any law
11 enforcement officer.

12 SECTION 15. Section 663.032, Transportation Code, is
13 amended to read as follows:

14 Sec. 663.032. OPERATION BY PERSON YOUNGER THAN 14. A person
15 younger than 14 years of age who is operating an off-highway
16 [~~all-terrain~~] vehicle must be accompanied by and be under the
17 direct supervision of:

18 (1) the person's parent or guardian; or

19 (2) an adult who is authorized by the person's parent
20 or guardian.

21 SECTION 16. Section 663.033, Transportation Code, is
22 amended to read as follows:

23 Sec. 663.033. REQUIRED EQUIPMENT; DISPLAY OF LIGHTS. (a)
24 An off-highway [~~all-terrain~~] vehicle that is operated on public
25 property or a beach must be equipped with:

26 (1) a brake system maintained in good operating
27 condition;

1 (2) an adequate muffler system in good working
2 condition; and

3 (3) a United States Forest Service qualified spark
4 arrester.

5 (b) An off-highway [~~all-terrain~~] vehicle that is operated
6 on public property or a beach must display a lighted headlight and
7 taillight:

8 (1) during the period from one-half hour after sunset
9 to one-half hour before sunrise; and

10 (2) at any time when visibility is reduced because of
11 insufficient light or atmospheric conditions.

12 (c) A person may not operate an off-highway [~~all-terrain~~]
13 vehicle on public property or a beach if:

14 (1) the vehicle has an exhaust system that has been
15 modified with a cutout, bypass, or similar device; or

16 (2) the spark arrester has been removed or modified,
17 unless the vehicle is being operated in a closed-course competition
18 event.

19 (d) The coordinator may exempt off-highway [~~all-terrain~~]
20 vehicles that are participating in certain competitive events from
21 the requirements of this section.

22 SECTION 17. Section **663.034**, Transportation Code, is
23 amended to read as follows:

24 Sec. 663.034. SAFETY APPAREL REQUIRED. A person may not
25 operate, ride, or be carried on an off-highway [~~all-terrain~~]
26 vehicle on public property or a beach unless the person wears:

27 (1) a safety helmet that complies with United States

1 Department of Transportation standards; and

2 (2) eye protection.

3 SECTION 18. Section 663.035, Transportation Code, is
4 amended to read as follows:

5 Sec. 663.035. RECKLESS OR CARELESS OPERATION PROHIBITED. A
6 person may not operate an off-highway [~~all-terrain~~] vehicle on
7 public property or a beach in a careless or reckless manner that
8 endangers, injures, or damages any person or property.

9 SECTION 19. Section 663.036, Transportation Code, is
10 amended to read as follows:

11 Sec. 663.036. CARRYING PASSENGERS. A person may not carry a
12 passenger on an off-highway [~~all-terrain~~] vehicle operated on
13 public property or a beach unless the [~~all-terrain~~] vehicle is
14 designed by the manufacturer to transport a passenger.

15 SECTION 20. Sections 663.037(a), (b), (c), (d), (f), and
16 (g), Transportation Code, are amended to read as follows:

17 (a) A person may not operate an off-highway [~~all-terrain~~]
18 vehicle on a public street, road, or highway except as provided by
19 this section.

20 (b) The operator of an off-highway [~~all-terrain~~] vehicle
21 may drive the vehicle across a public street, road, or highway that
22 is not an interstate or limited-access highway, if the operator:

23 (1) brings the vehicle to a complete stop before
24 crossing the shoulder or main traveled way of the roadway;

25 (2) yields the right-of-way to oncoming traffic that
26 is an immediate hazard; and

27 (3) makes the crossing:

1 (A) at an angle of approximately 90 degrees to
2 the roadway;

3 (B) at a place where no obstruction prevents a
4 quick and safe crossing; and

5 (C) with the vehicle's headlights and taillights
6 lighted.

7 (c) The operator of an off-highway [~~all-terrain~~] vehicle
8 may drive the vehicle across a divided highway other than an
9 interstate or limited access highway only at an intersection of the
10 highway with another public street, road, or highway.

11 (d) The operator of an off-highway [~~all-terrain~~] vehicle
12 may drive the vehicle on a public street, road, or highway that is
13 not an interstate or limited-access highway if:

14 (1) the transportation is in connection with:

15 (A) the production, cultivation, care,
16 harvesting, preserving, drying, processing, canning, storing,
17 handling, shipping, marketing, selling, or use of agricultural
18 products, as defined by Section 52.002, Agriculture Code; or

19 (B) utility work performed by a utility;

20 (2) the operator attaches to the back of the vehicle on
21 top of an eight-foot-long pole a triangular orange flag;

22 (3) the vehicle's headlights and taillights are
23 illuminated;

24 (4) the operator holds a driver's license, as defined
25 by Section 521.001;

26 (5) the operation of the [~~all-terrain~~] vehicle occurs
27 in the daytime; and

1 (6) the operation of the [~~all-terrain~~] vehicle does
2 not exceed a distance of 25 miles from the point of origin to the
3 destination.

4 (f) Except as provided by Subsection (g), this section does
5 not apply to the operation of an off-highway [~~all-terrain~~] vehicle
6 that is owned by the state, a county, or a municipality by a person
7 who is an authorized operator of the vehicle.

8 (g) A peace officer may operate an off-highway
9 [~~all-terrain~~] vehicle on a public street, road, or highway that is
10 not an interstate or limited-access highway only if:

11 (1) the transportation is in connection with the
12 performance of the officer's official duty;

13 (2) the officer attaches to the back of the vehicle on
14 top of an eight-foot-long pole a triangular orange flag;

15 (3) the vehicle's headlights and taillights are
16 illuminated;

17 (4) the officer holds a driver's license, as defined by
18 Section 521.001; and

19 (5) the operation of the [~~all-terrain~~] vehicle does
20 not exceed a distance of 25 miles from the point of origin to the
21 destination.

22 SECTION 21. Section 663.0371, Transportation Code, is
23 amended to read as follows:

24 Sec. 663.0371. OPERATION ON BEACH. (a) A person may not
25 operate an off-highway [~~all-terrain~~] vehicle on a beach except as
26 provided by this section.

27 (b) A person operating an off-highway [~~all-terrain~~] vehicle

1 on a beach must hold and have in the person's possession a driver's
2 license issued under Chapter 521 or a commercial driver's license
3 issued under Chapter 522.

4 (c) Except as provided by Chapters 61 and 63, Natural
5 Resources Code, an operator of an off-highway [~~all-terrain~~] vehicle
6 may drive the vehicle on a beach that is open to motor vehicle
7 traffic.

8 (d) Except as provided by Chapters 61 and 63, Natural
9 Resources Code, a person who is authorized to operate an
10 off-highway [~~all-terrain~~] vehicle that is owned by the state, a
11 county, or a municipality may drive the [~~all-terrain~~] vehicle on
12 any beach if the vehicle is registered under Section 502.140(b).

13 (e) The Texas Department of Transportation or a county or
14 municipality may prohibit the operation of an off-highway
15 [~~all-terrain~~] vehicle on a beach if the department or the governing
16 body of the county or municipality determines that the prohibition
17 is necessary in the interest of safety.

18 SECTION 22. The following provisions of the Transportation
19 Code are repealed:

20 (1) Section 551.401(2);

21 (2) Section 663.001(1), as amended by Chapters 131
22 (S.B. 487) and 895 (H.B. 1044), Acts of the 83rd Legislature,
23 Regular Session, 2013; and

24 (3) Section 663.003.

25 SECTION 23. This Act takes effect September 1, 2017.